

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCUS COTY,

Defendant.

8:06CR91

ORDER

Defendant Marcus Coty (Coty) appeared before the court on November 29, 2012, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 75). Coty was represented by John J. Ekeh and the United States was represented by Special Assistant U.S. Attorney Martin J. Conboy, IV. Through his counsel, Coty waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Coty should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Coty presented no evidence nor requested a detention hearing. Since it is Coty's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Coty has failed to carry his burden and that Coty should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on December 6, 2012**. Defendant must be present in person.

2. Defendant Marcus Coty is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of November, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge